

REMARKS

Applicant respectfully requests reconsideration. Claims 21-38 were previously pending in this application. By this amendment, claims 21 and 30 have been amended. As a result, claims 21-38 are pending for examination with claims 21 and 30 being independent claims. No new matter has been added.

Claims 21-38 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner contends that use of the claim term "illumination time" is unclear. The Examiner asks to what the term refers.

The claim term "illumination time" is used throughout the specification and, although no specific definition is given, it will be appreciated to one skilled in the art that the term refers to a period of time during which a transmission from an emitter is visible to a receiver.

The Examiner also contends that use of the term "emitter" is unclear. As indicated by the Examiner, the term "emitter signal" does in fact refer to a radio frequency signal that is emitted from an emitter. This should be clear to one of skill in the art based on a reading of the specification where the term "emitter" is used throughout the specification. It is shown, for example, in FIG. 1.

The preamble of claims 21 and 30 have been amended to more clearly recite the method to which the claim steps are directed in accordance with the Examiner's indication of such.

Also, claims 21 and 30 have been amended to replace "acceptable probability" with "specified probability" to make the claims more clear in accordance with the Examiner's indication of such.

In addition, claims 21 and 30 have been amended to clarify an antecedent basis issue raised by the Examiner.

The Examiner also indicated that claim 30 is misdescriptive of the disclosed invention in that a computer cannot perform the steps recited in the body of the claim. Applicant disagrees and traverses this rejection. A computer can in fact perform the steps recited in the body of claim 30. It recites an algorithm that in fact is executed by a computer.

For the reasons identified above, the claims as amended are in allowable condition.

Serial No.: 10/675,541
Conf. No.: 5966

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CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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Docket No.: L0562.70036US00
Date: November 30, 2004
x11/30/04x